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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/809,564	03/25/2004	Frederic Legrand	LOREAL 3.0-018	7962
530	7590	11/28/2006	EXAMINER	
LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK 600 SOUTH AVENUE WEST WESTFIELD, NJ 07090			ELHILO, EISA B	
			ART UNIT	PAPER NUMBER
			1751	

DATE MAILED: 11/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b> 10/809,564	<b>Applicant(s)</b> LEGRAND ET AL.	
	<b>Examiner</b> Eisa B. Elhilo	<b>Art Unit</b> 1751	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 September 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-25 and 27-45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 23-25 is/are allowed.
- 6) ☒ Claim(s) 1-5, 9, 10, 14, 16-18, 27, 32, 33, 37 and 40 is/are rejected.
- 7) ☒ Claim(s) 6-8, 11-13, 15, 19-22, 28-31, 34-36, 38-39 and 41-45 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1 This action is responsive to the amendment filed on September 29, 2006.

2 The rejection of claims 1-25 and 27-45 under 35 U.S.C. 103(a) as being unpatentable  
over Dias (US' 791 B1) in view of Riedel et al. (US' 296) is withdrawn after further reviewing  
the rejection and based on the applicant's remarks with regard to the motivation statement.

New ground of rejection

#### *Claim Rejections - 35 USC § 102*

3 The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the  
basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5, 9-10, 14, 16-18, 27, 32-33, 37 and 40 are rejected under 35 U.S.C. 102(b) as  
being anticipated by Rerek Edward (EP 0 237 111).

Rerek Edward (EP' 111) teaches aqueous bleach composition comprising 5 to 30% of  
peroxide compound (oxidizing agent) of persalts, perborate and hydrogen peroxide as claimed in  
claims 1, 9, 10, 17, 27 and 37 (see page 3, lines 25-26 and page 4, lines 7-10) and  
hydroxycarboxylic acid having a formula (I), which is identical to the claimed formula (I) (see  
page 4, formula (I)), and wherein the mannonic acid, gulonic acid, idonic acid and glucaric acid  
represent the formula (I) as claimed in claims 1-5 (see page 4, lines 19-27 and STIC Search  
Report, page 122-123), wherein the composition further comprises surfactants in the amounts of  
5 to 30% as claimed in claims 14, 32-33 and 40 (see page 5, lines 24-27), basifying agent as  
claimed in claim 16 (see page 5, line 2), dyes and fillers as claimed in claim 18 (see page 6, lines

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18-19). Rerek Edward (EP' 111) teaches all the limitations of the instant claims. Hence, Rerek Edward (EP' 111) anticipates the claims.

***Allowable Subject Matter***

4        Claims 6-8, 11-13, 15, 19-22, 28-31, 34-36, 38-39 and 41-45 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The prior art of record do not teach or disclose the limitations of the instant claims.

5        Claims 23-25 are allowed because the prior art do not teach or disclose the limitations of the instant claim.

***Response to Applicant's Arguments***

6        Applicant's arguments with respect to claims 1-25 and 27-45 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

7        The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. (WO 02/064151 A1). (STIC Search Report, page 101, 2<sup>nd</sup> paragraph).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eisa B. Elhilo whose telephone number is (571) 272-1315. The examiner can normally be reached on M - F (8:00 -4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas McGinty can be reached on (571) 272-1029. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Eisa Elhilo  
Primary Examiner  
Art Unit 1751

November 23, 2006